



Water Quality Division

RULE CLARIFICATION

RC #: 014	Title: 18	Chapter: 9	Article: 3	Rule Citation: R18-9-E323
Date Issued: 11/2/2001			Withdrawn or Superseded? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Date:	
<p>Topic of Rule Needing Clarification: General permit for on-site wastewater treatment facility with a design flow from 3000 to less than 24,000 gallons per day.</p>				
<p>Text of Rule Needing Clarification: R18-9-E323(A): A 4.23 General Permit allows on-site wastewater treatment facilities with a design flow from 3000 gallons per day to less than 24,000 gallons per day if all of the following apply:</p> <ol style="list-style-type: none"> 1. Except as specified in subsection (A)(3), the treatment and disposal works consists of technologies or designs that are covered under other general permits, but are sized larger to accommodate increased flows. 2. The on-site wastewater treatment facility complies with all applicable requirements of this Chapter. 3. The facility is not a system or a technology covered by one of the following general permits available for a design flow of less than 3000 gallons per day: <ol style="list-style-type: none"> a. An aerobic system with subsurface disposal, described in R18-9-E315, b. An aerobic system with surface disposal, described in R18-9-E316, c. A disinfection device, described in R18-9-E320, d. A sequencing batch reactor, described in R18-9-E321, or e. A seepage pit or pits, described in R18-9-E302. 				
<p>Question Needing Clarification: Does this general permit apply to a facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day that receives wastewater from sources under more than one ownership?</p>				
<p>Clarification of Rule: According to R18-9-101(18), the term <i>on-site wastewater treatment facility</i> means “a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater, predominantly of human origin, generated at that site. An on-site wastewater treatment facility does not include a pre-fabricated, manufactured treatment works that typically uses an activated sludge unit process and has a design flow of 3000 gallons per day or more.” R18-9-E323 provides for a general permit for an on-site wastewater treatment facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day.</p> <p>The definition clearly states that an on-site wastewater treatment facility is a facility installed at the site which treats wastewater generated at that site. Consistent with this definition, a wastewater treatment facility within and only serving an RV park or similar place of habitation, with design flow from 3000 gallons per day to less than 24,000 gallons per day, in which the individual spaces therein are owned by a single person or entity and rented or leased (but not offered for sale), is regarded as an “on-site wastewater treatment facility” and is eligible for operation under the general permit. On the other hand, a wastewater treatment facility serving multiple spaces in an RV park or multiple lots in a subdivision, where the spaces or lots are owned or ultimately will be owned individually, does not meet the definition of “on-site” and therefore is not eligible for the general permit. Instead, such a facility must be permitted under an Individual Aquifer Protection Permit. Likewise, a wastewater treatment facility owned by a homeowner’s association, where the wastewater is generated by separate, individually-owned spaces or lots for treatment at a different location than the spaces or lots, must be permitted under an Individual Aquifer Protection Permit.</p> <p>Note: The above clarification does not preclude a group of individual property owners who have combined their wastewater flows into a centralized on-site wastewater facility (“cluster facility”) from qualifying for General Permits 4.02 through 4.22 if the total design flow of the facility is less than 3,000 gallons per day, all treatment and disposal works are located only on property owned by one or more of the group of individuals served by the facility, and the property owners jointly accept responsibility for operation and maintenance through a written agreement.</p>				